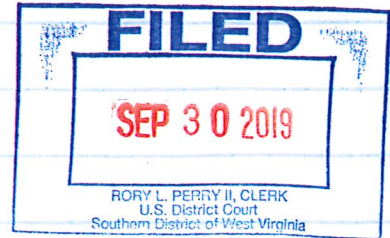


United States District Court  
Southern District of West Virginia

Civil Case no. 1:19-cv-00709

Anthony D. Turner,  
Plaintiff,



V.

28 USC § 2241

Bivens claim

F.C.I.-Medowell (SIS Horton),  
Defendant.

Now Comes, the Plaintiff, Anthony Turner, Proceeding Pro se,  
and respectfully moves this honorable Court pursuant to 28 USC § 2241,  
in this motion for a Bivens Claim for Deprivation of Rights under color of Law.

In support thereof, Mr. Turner states the following:

Statement of Facts

A. F.C.I.-Medowell A-3 unit

Anthony Turner is currently incarcerated in Federal Correctional Institution ("FCI") - Medowell serving a 10 year term of Imprisonment. Mr. C. Maruka is the Warden at F.C.I.-Medowell. In FCI-Medowell on June 19, 2019 Mr. Turner was entering A-3 unit from being in The Special Housing Unit ("SHU") for a 100 day Investigation. While entering

the unit Mr. Turner went to cell 222 to store his personal property. Mr. Turner then went to cell 218 to speak with a Inmate Lamar Young #000, while being in cell 218 seven inmates from D.C came to the cell 218. The Inmates confronted Mr. Turner on allegation that a D.C inmate name "spanky" who works in the lieutenant office told the D.C inmate that the Security Investigation Service ("SIS") officer Horton showed him a Confidential letter with Mr. Turner name as the sender. The Inmates left out the room after confronting Mr. Turner. Mr. Turner left out the room to speak to Inmate Mark Dixon-007. Mr. Turner and Mark Dixon-007 went in cell 128 to speak, while Mr. Turner was in cell 128. Three Attackers came in the cell. Inmate Derrick Jackson-000 and Mark Dixon-007 pulled out knives on Mr. Turner in pursuit to assault and murder Mr. Turner. Mr. Turner struggle but got out the room after 2 Inmates was trying to Jam Mr. Turner in the room. Mr. Turner was told by Inmates to get out of the unit or He would get killed. The Inmates also Robbed Mr. Turner of all his personal property that was in his cell 222 A-3 unit. Mr. Turner told the Inmate the information was written by a celly in the SHU name Korey Bailey # ~~000~~ 171. The inmate said that sis Horton had no reason to lie and that they believe the sis officer. Mr. Turner then went to the lieutenant office. Mr. Turner spoke to sis officer Horton, Lieutenant Hausley, Lieutenant Diamond about the situation. They all advised Mr. Turner he would be interviewed, 30 day threat assessment and Transfer. Mr. Turner told sis officer Horton he could verify the threat by the Camera and that he wanted a separation away from his attackers. Mr. Turner went to the SHU on June 19, 2019. Aug 19, 2019 Mr. Turner was told by sis K. Starks that sis Horton felt his situation was not a threat and recommended Mr. Turner go back on the compound. Mr. Turner informed sis K. Starks that sis Horton did not interview him. On Approximately Sept 2019 Lieutenant

Saunders wrote Mr. Turner an incident Report for refusing to go back on the Compound where the threat still exist. Mr. Turner was advised by staff that he will be in the shu for 6 to 12 mth and he has to receive 3 more incident report which will force Mr. Turner to forfeit 47 days of good time. Mr. Turner is currently still in the SHU.

## B. SIS Hortons Conduct

Mr. Horton's, SIS officer at FCI-Medowell had interviewed Mr. Turner in April, 2019 in regards to the investigation Mr. Turner was involved with in March, 2019. In the April, 2019 interview SIS Horton threaten Mr. Turner by telling Mr. Turner that he would "drag" Mr. Turner 6 to 12 mths if he would not cooperate on the investigation. Mr. Turner told SIS Horton he did not have any information to support his investigation. On approximately May, 2019 SIS Horton received a letter that was written by Inmate Corey Bailey #171. Corey Bailey #171 forged Mr. Turner name on the letter and sent SIS Horton fraudulent Confidential information Cooperating with staff on Inmates at FCI-Medowell. SIS Horton let a lieutenant office employee Inmate "spanky" read the letter, which he knew Mr. Turner was also a D.C Inmate. SIS Horton action lead to inmate "spanky" tell the inmate in unit A-3 from D.C that Mr. Turner was switching from what Mr. Horton showed him. The information that was provide to Inmate "spanky" from SIS Horton was the result of a assault, Attempt Murder on Mr. Turner life. Mr. Turner also was Robbed of all his personal property in regards of SIS Horton unprofessional Conduct.

## CLAIM

I.

### Deprivation of Rights under Color of Law

SIS officer, Mr. Horton, violated Mr. Turner Fifth & Eighth

Amendment Rights when; he showed another inmate Confidential information with the intent to cause Mr. Turner injury or seriously bodily harm. The

Fifth Amendment provides "No state shall... deprive any Person of life, liberty or property, without due process of Law". The Eighth Amendment imposes

"That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted, by the Courts of Law".

Here, Approximately May, 2019 SIS officer Horton showed a inmate "Spanky" a Fraudulent Confidential letter written by inmate

Korey Bailey #171 Providing incriminating information against other inmates with Mr. Turner name sign as the sender.

Mr. Horton knew and knows that showing information of that nature would cause inmates to retaliate on Mr. Turner." The Eighth Amendment imposes a duty on prison officials to protect prisoners from violence at the hands of other prisoners." Farmer v. Brennan, 511 U.S. 825, 833 (1994)

Mr. Horton's motives influence by retaliation for Mr. Turner not cooperating in his investigation and also because Mr. Turner was not charged in the investigation. Mr. Horton deliberately and intentionally failed to perform a manifest duty in reckless disregard of the consequence as affecting the life or property of another. Mr. Horton acted in his individual capacity thereby exceeding the scope of FBOP Policy Statement, Federal Law and U.S. Constitution. "It is, indeed,

fair to say that acting or failing to act with deliberate indifference to a substantial risk of serious harm to a prisoner is the equivalent of recklessly disregarding that risk". FARMER, 511 U.S. at 836 (1994)

On June 19, 2019 Mr. Horton closed Mr. Turner investigation and released him from Special Housing Unit and Reassigned him to general population knowing other inmates would be seeking retaliation for the fraudulent Confidential letter. When Mr. Turner reported to his assigned housing unit, Several inmates approached him with Knives, They assaulted Mr. Turner and robbed Mr. Turner of all his person property.

## Conclusion

Mr. Turner is seeking that Mr. Horton Compensate him \$875.00 for the lost of his personal property and any Court Fee associated with this claim; and requesting the Court reinstate his 47 days good time that he is expected to loss because of the incident Reports he has received for refusing to go back on the prison Compound where the threat still exist. Additionally, Mr. Turner is requesting the Court to Enforce and Expedite a Protective "Stay away" order, ordering Mr. Horton to stay away from Mr. Turner during these Court proceeding and any time after.



Respectfully submitted on This 28<sup>th</sup> day of September 2019.

/s/ Anthony 

Anthony Turner usm# 03393-007

F.C.I. McDowell

P.O. Box 1009

Welch, WV 24801

### Certificate of Service

The undersign certifies that a true and correct copy of the foregoing instrument has been mailed to the Clerk of the Court (as agent) for the United States District Court for the Southern District of West Virginia, to be served upon all interested parties through the Court's EM/CMF system.

/s/ Anthony 